

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

VICOF II TRUST; VIDA LONGEVITY FUND, LP;
WELLS FARO BANK, NATIONAL
ASSOCIATION, as securities intermediary for
VICOF II TRUST and VIDA LONGEVITY FUND,
LP; and PF PARTICIPATION FUNDING TRUST,

Plaintiffs,

v.

JOHN HANCOCK LIFE INSURANCE COMPANY
OF NEW YORK,

Defendant.

Index No. 19-cv-11093 (AKH)

Order for feeing

VICOF II TRUST; VIDA LONGEVITY FUND, LP;
LIFE ASSETS TRUST II S.A. DELAWARE TRUST;
VIDAQUANT SUBFUND DELAWARE TRUST;
VIDA INSURANCE FUND II SERIES INTERESTS
OF THE SALI MULTI-SERIES FUND, LP; WELLS
FARGO BANK, NATIONAL ASSOCIATION, as
securities intermediary for VICOF II TRUST, VIDA
LONGEVITY FUND, LP, LIFE ASSETS TRUST II
S.A. DELAWARE TRUST, VIDAQUANT
SUBFUND DELAWARE TRUST, and VIDA
INSURANCE FUND II SERIES INTERESTS OF
THE SALI MULTI-SERIES FUND, LP; DLP
MASTER TRUST; DLP MASTER TRUST II; GWG
DLP MASTER TRUST LIFE FUNDING TRUST; PF
PARTICIPATION FUNDING TRUST; and PALM
BEACH SETTLEMENT COMPANY,

Plaintiffs,

v.

JOHN HANCOCK LIFE INSURANCE COMPANY
(U.S.A.),

Defendant.

EFG BANK AG, CAYMAN BRANCH; and WELLS
FARGO BANK, NATIONAL ASSOCIATION, as
securities intermediary for EFG BANK AG,
CAYMAN BRANCH,

Plaintiffs,

v.

JOHN HANCOCK LIFE INSURANCE COMPANY
(U.S.A.),

Defendant.


~~PROPOSED~~ ORDER REGARDING DEFENDANTS' MOTION TO SEAL

Pursuant to the May 28, 2020 Court-approved Stipulated Confidentiality Agreement and Protective Order, ECF No. 34 (the "Protective Order"), and Rule 4(B) of the Individual Rules of the Honorable Alvin K. Hellerstein, Defendants John Hancock Life Insurance Company of New York and John Hancock Life Insurance Company (U.S.A.) ("John Hancock") move to maintain under seal or in redacted form materials identified in Exhibits 1 and 2 hereto and attached to the Declaration of Matthew T. Martens filed in support of John Hancock's Motions *in Limine* No. 1-11.

For the reasons set forth in John Hancock's Memorandum of Law and the Declaration of Zahir Bhanji, John Hancock's motion is **GRANTED**. * ABX

IT IS SO ORDERED.

Dated: January 31, 2023



THE HONORABLE ALVIN K. HELLERSTEIN
UNITED STATES DISTRICT JUDGE

* The issue of sealing, and the extent of sealing, will be re-examined at the Final Pre-Trial Conf. (AKH)

EXHIBIT 1

Martens Declaration Exhibit	Description	Sealing Treatment
H	Expert Report of Gregory V. Serio	The Exhibit is sealed in its entirety.
J	Excerpts of Transcript of January 15, 2021 Deposition of Geoff Gittins	The Exhibit is sealed in its entirety and redactions to references to the Exhibit in John Hancock's Motion <i>in Limine</i> No. 2 are approved.
K	Excerpts of Transcript of January 27, 2021 Deposition of Catherine Murphy	The Exhibit is sealed in its entirety and redactions to references to the Exhibit in John Hancock's Motion <i>in Limine</i> No. 2 are approved.
L	Excerpts of Transcript of January 19, 2021 Deposition of Geoff Gittins	The Exhibit is sealed in its entirety and redactions to references to the Exhibit in John Hancock's Motion <i>in Limine</i> No. 2 are approved.
M	Excerpts of Transcript of January 28, 2021 Deposition of Catherine Murphy	The Exhibit is sealed in its entirety and redactions to references to the Exhibit in John Hancock's Motion <i>in Limine</i> No. 2 are approved.
P	Expert Report of Larry N. Stern	<p>Redactions to the Exhibit are approved as detailed below. <i>See also</i> ECF No. 215 (ordering same redactions to same document). Redactions to references to the Exhibit in John Hancock's Motion <i>in Limine</i> No. 6 are approved.</p> <p>Pages 10-11 (paragraphs 38 and 39): Proprietary and confidential pricing parameters, projections, and analysis of product performance and profitability.</p> <p>Page 26 (the final sentence of paragraph 86 and the entirety of paragraphs 87 and 88): Proprietary and confidential pricing parameters, projections, and analysis of product performance and profitability.</p>

Martens Declaration Exhibit	Description	Sealing Treatment
		<p>Pages 27-32 (paragraphs 90-98, Figure 1 on page 28, paragraphs 100-102 (other than the first sentence of paragraph 101), and Figure 2 on page 32): Proprietary and confidential pricing parameters, projections, and analysis of product performance and profitability.</p> <p>Page 33 (footnote 172): Proprietary and confidential pricing parameters, projections, and analysis of product performance and profitability.</p> <p>Pages 38-40 (paragraphs 116-117 and Figures 5 and 6 on page 39): Confidential information reflecting agreements concerning reinsurance.</p> <p>Pages 40-42 (the final clause of section heading G on page 40 and paragraphs 120-123 (other than the first sentence of paragraph 120)): Proprietary and confidential pricing parameters, projections, and analysis of product performance and profitability.</p> <p>Pages 43-45 (the final sentence of paragraphs 127 and 128 and paragraphs 130-131 (other than the first sentence of paragraph 130)): Proprietary and confidential pricing parameters, projections, and analysis of product performance and profitability.</p> <p>Pages 46-49 (paragraphs 135-142, figure 7 and footnote 258 on page 47, and figure 8 and footnote 266 on page 48): Proprietary and confidential pricing parameters, projections, and analysis of product performance and profitability.</p> <p>Page 50 (footnotes 282 and 284 on page 50): Excerpt and paraphrase of confidential deposition testimony concerning John Hancock's proprietary and confidential pricing parameters, projections, and analysis of</p>

Martens Declaration Exhibit	Description	Sealing Treatment
		<p>product performance and profitability.</p> <p>Pages 51-53 (paragraphs 145-147 and figures 9 and 10 on page 52): Proprietary and confidential pricing parameters, projections, and analysis of product performance and profitability.</p> <p>Page 54 (the first sentence of paragraph 151): Proprietary and confidential pricing parameters, projections, and analysis of product performance and profitability.</p> <p>Page 56 (the second and third sentences of paragraph 155): Proprietary and confidential pricing parameters and confidential communication from a state regulatory agency.</p> <p>Pages 70-72 (paragraph 197, figure 16 on page 70, the last three sentences of paragraph 198, figure 17 on page 71, and the second-to-last sentence of paragraph 199): Proprietary and confidential pricing parameters, projections, and analysis of product performance and profitability.</p> <p>Pages 75-80 (the first three sentences and the last sentence of paragraph 212, paragraphs 213-214, figure 19 on page 77, figure 20 on page 78, the second sentence of paragraph 215, and paragraphs 216-218 (other than the first two sentences of paragraph 216 and the first sentence of paragraph 218)): Proprietary and confidential pricing parameters, projections, and analysis of product performance and profitability.</p> <p>Pages 82-84 (the final three sentences of paragraph 224, footnote 429, and the second clause of footnote 435): Proprietary and confidential pricing parameters, projections, and analysis of product performance and profitability.</p>

Martens Declaration Exhibit	Description	Sealing Treatment
		<p>Page 86 (paragraph 234): Proprietary and confidential pricing parameters, projections, and analysis of product performance and profitability.</p> <p>Page 89 (the final two sentences of footnote 474): Proprietary and confidential pricing parameters, projections, and analysis of product performance and profitability.</p> <p>Page 97 (the second sentence of paragraph 267): Proprietary and confidential pricing parameters, projections, and analysis of product performance and profitability.</p>
T	John Hancock Experience Study Standards	The Exhibit is sealed in its entirety and redactions to references to the Exhibit in John Hancock's Motion <i>in Limine</i> No. 6 are approved.
W	Presentation Regarding Contemplated Strategic Initiative	The Exhibit is sealed in its entirety.
AA	Majestic Performance UL Pricing Memorandum	The Exhibit is sealed in its entirety.
BB	Performance UL (2009) Pricing Memorandum	The Exhibit is sealed in its entirety.
EE	Excerpts of Transcript of October 23, 2020 Deposition of Naveed Irshad	The Exhibit is sealed in its entirety and redactions to references to the Exhibit in John Hancock's Motion <i>in Limine</i> No. 11 are approved.
N/A	Motion <i>in Limine</i> No. 7	The Motion is sealed in its entirety.

EXHIBIT 2

Martens Declaration Exhibit	Description	Sealing Treatment
B	Plaintiffs' Exhibit List	The Exhibit is sealed in its entirety pending Plaintiffs' submission.
CC	Orrick, Herrington & Sutcliffe LLP Invoice	The Exhibit is sealed in its entirety, and redactions to references to the Exhibit in John Hancock's Motion <i>in Limine</i> No. 10 are approved, pending Plaintiffs' submission.
DD	Tabulation of Orrick, Herrington & Sutcliffe LLP Invoices	The Exhibit is sealed in its entirety pending Plaintiffs' submission.